REMARKS

35 U.S.C. §112, Second Paragraph Rejections

The Office has rejected claims 18-26 and 38-39 under 35 U.S.C. §112, second paragraph, at paragraphs 14-15 of the Final Action, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants respectfully traverse the rejections. In particular, the Applicants submit that the amendments to claims 18 and 38 obviate the rejections of claims 18-26 and 38-39 under 35 U.S.C. §112, second paragraph.

35 U.S.C. §103(a) Rejections

<u>Claims 1-12, 14, 16, 17, and 30-36 are Allowable</u>

The Office has rejected claims 1-12, 14, 16, 17, and 30-36, at paragraphs 16-17 of the Final Action, under 35 U.S.C. §103(a), as being unpatentable over Weigel, Don; Cao, Buyang; "Applying GIS and OR Techniques to Solve Sears Technician-Dispatching and Home-Delivery Problems," Jan/Feb 1999, Interfaces, 29, 1; ABI/INFORM Global pp. 112-130 ("Weigel") in view of U.S. Patent No. 6,163,607 ("Bogart"). Applicants respectfully traverse the rejections.

<u>Independent Claim 1</u>

None of the cited references, including Weigel and Bogart, disclose or suggest the specific combination of claim 1. For example, Weigel and Bogart do not disclose or suggest assigning a first service request to a technician based at least in part on a first current location of a technician and assigning a second service request to a technician based at least in part on a second current location of the technician, as recited in claim 1. In addition, Weigel and Bogart do not disclose or suggest assigning the second service request to the technician after receiving service order completion data and frame order completion data, where the service order completion data and the frame order completion data indicate that tasks associated with a first service request are complete, as recited in claim 1. In contrast to claim 1, Weigel discloses a system to generate routes for delivery or service personnel based on the locations associated with received delivery or service orders. (*See* Weigel, page 113, col. 2, ll. 16-40 and page 114, col. 2, ll. 13-18). Further, Weigel discloses that the system may utilize geographic information system

(GIS) techniques and GIS data to generate the route. (*See* Weigel, page 114, col. 2, ll. 5-10 and page 115, col. 1, l. 4 – col. 2, l. 18). Weigel does not disclose assigning a first service request to a technician based on a first current location of the technician and assigning a second service request to the technician based on a second current location of the technician, as recited in claim 1. Rather, Weigel discloses a system configured to assign a service order to a technician before the technician has actually started a route and not based on a first current location or a second current location. Additionally, Weigel does not disclose or suggest assigning a second service request to the technician after receiving service order completion data and frame order completion data, as recited in claim 1. Further, Bogart does not disclose assigning a first service request to a technician based on a first current location of the technician and assigning a second service request to the technician based on a second current location of the technician, as recited in claim 1. Bogart also does not disclose or suggest assigning the second service request to the technician after receiving service order completion data and frame order completion data, as recited in claim 1. Hence, claim 1 is allowable.

Claims 2-12 and 42 depend from claim 1, which Applicants have shown to be allowable. Hence, Weigel and Bogart fail to disclose or suggest at least one element of each of claims 2-12 and 42. Accordingly, claims 2-12 and 42 are also allowable, at least by virtue of their dependency from claim 1.

In addition, the dependent claims include features that are not disclosed or suggested by the cited references. For example, claim 2 recites a geo-location interface configured to access a global positioning system, the global positioning system indicating a first current location of the technician, a second current location of the technician, or any combination thereof. In contrast to claim 2, Weigel discloses using geographic information system techniques and data to build a definition and origin matrix based on locations associated with service order and deliveries, to assign resources, and to perform sequencing and route improvement. (*See* Weigel, page 112). Weigel does not disclose or suggest accessing a global positioning system indicating the first current location of a technician, the second current location of the technician, or any combination thereof, as recited in claim 2. Further, Bogart does not disclose or suggest accessing a global positioning system indicating the first current location of a technician, the second current

location of the technician, or any combination thereof, as recited in claim 2. For this additional reason, claim 2 is allowable.

Claim 5 recites that a service request status interface is accessible to a competitive local exchange carrier (CLEC) and that the technician is associated with an incumbent local exchange carrier (ILEC). Neither Weigel nor Bogart disclose or suggest a service request status interface that is accessible to one entity (the CLEC) and a technician assigned to the service request who is associated with a second entity (the ILEC), as recited in claim 5. For this additional reason, claim 5 is allowable.

Independent Claim 14

None of the cited references, including Weigel and Bogart, disclose or suggest the specific combination of claim 14. For example, Weigel and Bogart do not disclose or suggest a dispatch module configured to assign at least one task of a service order based on technician statistics of each of a plurality of technicians, where the technician statistics indicate an expected time remaining to complete a current task, as recited in claim 14. Weigel and Bogart also do not disclose or suggest assigning at least one task of the service order to the technician before the current task assigned to the technician has been completed, as recited in claim 14. In contrast to claim 14, Weigel discloses a system to generate routes for delivery or service personnel based on the locations associated with received delivery or service orders and based on time windows assigned to each stop on the routes. (*See* Weigel, page 113, col. 2, ll. 16-40 and page 114, col. 2, ll. 13-18). Further, Weigel discloses that the system may utilize geographic information system (GIS) techniques and GIS data to generate the routes. (*See* Weigel, page 114, col. 2, ll. 5-10 and page 115, col. 1, l. 4 – col. 2, l. 18). Weigel does not disclose assigning a service order based on an expected time remaining to complete a current task, as recited in claim 14. Additionally, Weigel does not disclose assigning at least one task of the service order to the technician before a current task assigned to the technician has been completed, as recited in claim 14. Rather, Weigel discloses assigning routes before dispatching service or delivery personnel based on all of the time allocated to predetermined time windows assigned to each service or delivery request. Further, Bogart does not disclose assigning a service order based on an expected time remaining to complete a task and Bogart also does not disclose assigning at least one task of the

service order to the technician before a current task associated with the technician has been completed, as recited in claim 14. Hence, claim 14 is allowable.

Claims 16-17 depend from claim 14, which Applicants have shown to be allowable. Hence, Weigel and Bogart fail to disclose or suggest at least one element of each of claims 16-17. Accordingly, claims 16-17 are also allowable, at least by virtue of their dependency from claim 14.

Independent Claim 30

None of the cited references, including Weigel and Bogart, disclose or suggest the specific combination of claim 30. For example, Weigel and Bogart do not disclose or suggest determining a current location of a technician of a plurality of available technicians based on near real-time Global Positioning System data, as recited in claim 30. In contrast to claim 30, Weigel discloses a system to generate routes for delivery or service personnel based on the locations associated with received delivery or service orders. (See Weigel, page 113, col. 2, ll. 16-40 and page 114, col. 2, ll. 13-18). Further, Weigel discloses that the system may utilize geographic information system (GIS) techniques and GIS data to generate the routes. (See Weigel, page 114, col. 2, ll. 5-10 and page 115, col. 1, l. 4 – col. 2, l. 18). Weigel does not disclose determining a current location of·a technician based on near real-time GPS data, as recited in claim 30. In addition, Bogart does not disclose determining a current location of a technician based on near real-time GPS data, as recited in claim 30. Hence, claim 30 is allowable.

There is no Teaching, Motivation, or Suggestion to Make the Asserted Combination of References

Additionally, there is no teaching, motivation, or suggestion to combine Weigel and Bogart. "Determination of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention. There must be a teaching or suggestion within the prior art, or within the general knowledge of a person of ordinary skill in the field of the invention, to look to particular sources of information, to select particular elements, and to combine them in the way they were combined by the inventor." *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 48 USPQ2d 1321 (Fed. Cir. 1998), *see also*

KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___ (2007), citing *Monroe Auto Equipment Co. v. Heckethorn Mfg & Supply Co.*, 332 F.2d 406, 412 (CA6 1964) (warning against a "temptation to read into the prior art the teachings of the invention in issue").

The Final Action has selectively culled portions of Bogart and combined them with portions of Weigel. Weigel is directed to a system that generates and optimizes routes for service and delivery personnel before the personnel have started their routes. (*See* Weigel, page 112). Bogart is directed to a call center call distribution system that assigns calls to call center agents based on data indicating each agents ability to handle a particular incoming call. (*See* Bogart, col. 3, ll. 11-26). Weigel and Bogart are not analogous and address different and unrelated problems. Neither Weigel, nor Bogart, disclose or suggest any motivation to combine the delivery and service route generator of Weigel with the call center call distribution system of Bogart. Therefore, the only motivation to look to the particular references, to select the particular elements cited in the Final Action, and to combine them in the manner stated in the Final Action comes from Applicants' disclosure. This constitutes an impermissible hindsight rejection based on Applicants' disclosure. Hence, the rejection of claims 1-12, 14, 16, 17, 30-36, and 42 over the combination of Weigel and Bogart is improper and should be withdrawn.

<u>Claims 18-26, 28, 29, 38, and 39 are Allowable</u>

The Office has rejected claims 18-26, 28, 29, 38, and 39, at pages 25-32 of the Final Action, under 35 U.S.C. §103(a), as being unpatentable over, "NYNEX utilizes PEN*KEY® mobile computers to retrieve information and execute transfer activity," pages 1-4, retrieved from: web.archive.org/web/19980206125452/www.norand.com/case_nynex_more.html ("Norand Reference A"); "Tech X-press," pages 1-2, retrieved from: web.archive.org/web/19980206122627/www.norand.com/sol_fieldservice_tech.html ("Norand Reference B"; "Are You Getting Ready to Catch the Wireless Wave?" pages 1-8 retrieved from: web.archive.org/web/19980206122343/www.norand.com/wp_wirelesswave.html ("Norand Reference C"); and "Introducing the Norand RapidREP™ Solution from Intermec Technologies Corporation," retrieved from: web.archive.org/web/19980206114807/www.norand.com/pr_rapidrep.html ("Norand Reference D"). Applicants respectfully traverse the rejections.

Independent Claim 18

None of the cited references including, Norand Reference A, Norand Reference B, Norand Reference C, and Norand Reference D (the "Norand references"), disclose or suggest the specific combination of claim 18. For example, the Norand references do not disclose or suggest an assignment module configured to assign a first task of a service request via a mobile technician interface and to assign a second task of the service request via a frame order management system interface, as recited in claim 18. In contrast to claim 18, Norand Reference A discloses transferring a copper phone line to a fiber optic phone line according to inputs entered at a remote hand-help computer via a digital switch at a central office. (*See* Norand Reference A, page 2, paragraph 6). Norand reference A does not disclose an assignment module configured to assign a first task of a service request via the mobile technician interface and to assign a second task of the service request via the frame order management system interface, as recited in claim 18. Rather, Norand reference A discloses implementing a single task of throwing a line via a single interface at the central office. Further, Norand Reference B, Norand Reference C, and Norand Reference D do not disclose or suggest an assignment module configured to assign a first task of a service request via the mobile technician interface and to assign a second task of the service request via the frame order management system interface, as recited in claim 18. Hence, claim 18 is allowable.

Claims 19-26 depend from claim 18, which Applicants have shown to be allowable. Hence, the Norand references fail to disclose or suggest at least one element of each of claims 19-26. Accordingly, claims 19-26 are also allowable, at least by virtue of their dependency from claim 18.

Independent Claim 28

None of the cited references, including the Norand references, disclose or suggest the specific combination of claim 28. For example, the Norand references do not disclose or suggest at least one web page that is configured to display a service request status that is associated with service order completion data and frame order completion data, as recited in claim 28. In contrast to claim 28, Norand Reference A discloses transferring a copper phone line to a fiber optic phone line according to inputs entered at a remote hand-help computer via a digital switch

at a central office. (*See* Norand Reference A, page 2, paragraph 6). Further, Norand Reference C discloses hand-held computers that have access to the Internet for browsing, surfing, and communicating. (*See* Norand Reference C, page 2, paragraph 1). Norand Reference A and Norand Reference C do not disclose or suggest a webpage configured to display a service request status, as recited in claim 28. Additionally, Norand Reference B and Norand Reference D do not disclose or suggest a webpage configured to display a service request status, as recited in claim 28. Hence, claim 28 is allowable.

Claims 29 and 41 depend from claim 28, which Applicants have shown to be allowable. Hence, the Norand references fail to disclose or suggest at least one element of each of claims 29 and 41. Accordingly, claims 29 and 41 are also allowable, at least by virtue of their dependency from claim 28.

In addition, the dependent claims include features that are not disclosed or suggested by the cited references. For example, claim 41 recites a service request that relates to a first task associated with service order completion data and that relates to a second task associated with frame order completion data and claim 41 recites at least one web page that displays a status of each of the first task and the second task. In contrast to claim 41, Norand Reference A discloses transferring a copper phone line to a fiber optic phone line according to inputs entered at a remote hand-help computer via a digital switch at a central office. (*See* Norand Reference A, page 2, paragraph 6). Further, Norand Reference C discloses hand-held computers that have access to the Internet for browsing, surfing, and communicating. (*See* Norand Reference C, page 2, paragraph 1). Norand Reference A and Norand Reference C do not disclose or suggest at least one web page that displays a status of each of a first task associated with service order completion data and a second task associated with frame order completion data, as recited in claim 41. Additionally, Norand Reference B and Norand Reference D do not disclose or suggest at least one web page that displays a status of each of the first task associated with service order completion data and the second task associated with frame order completion data, as recited in claim 41. For this additional reason, claim 41 is allowable.

Independent Claim 38

None of the cited references, including the Norand references disclose or suggest the specific combination of claim 38. For example, the Norand references do not disclose or suggest assigning a first task related to a service request to a first technician via a mobile technician interface and assigning a second task related to the service request to a second technician via a frame order management system interface, as recited in claim 38. In contrast to claim 38, Norand Reference A discloses assigning a single technician to transfer a certain number of copper lines to fiber optic lines. (*See* Norand Reference A, page 3, paragraph 2). Norand Reference A does not disclose or suggest assigning a first task related to a service request to a first technician via a mobile technician interface and assigning a second task related to the service request to a second technician via a frame order management system interface, as recited in claim 38. Further, Norand Reference B, Norand Reference C, and Norand Reference D do not disclose or suggest assigning a first task related to a service request to a first technician via a mobile technician interface and assigning a second task related to the service request to a second technician via a frame order management system interface, as recited in claim 38. Hence, claim 38 is allowable.

Claim 39 depends from claim 38, which Applicants have shown to be allowable. Hence, the Norand references fail to disclose or suggest at least one element of claim 39. Accordingly, claim 39 is also allowable, at least by virtue of its dependency from claim 38.

The Cited References Teach Away From the Proposed Combination of References

Applicants submit that the cited references teach away from the proposed combination of references. In particular, Norand Reference A is directed to transferring copper telephone lines to fiber optic telephone lines according to inputs entered at a remote hand-held computer via a digital switch at a central office. (*See* Norand Reference A, page 2, paragraph 6). Norand Reference D is directed to a mobile data package that includes hardware, software, and wireless communications service that is targeted at non-utility markets, such as heating, ventilating, air conditioning, refrigeration, plumbing, and appliance repair. (*See* Norand Reference D, page 1, paragraph 1). Thus, Norand Reference D teaches away from being combined with Norand Reference A. Accordingly, the rejection of claims 18-26, 28, 29, 38, 39, and 41 over the

combination of Norand Reference D and Norand Reference A is improper and should be withdrawn.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Final Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.
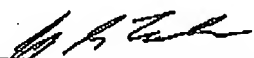
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

8-28-2007

_____
Date

_____
Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER LLP
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)